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September 24, 2012

Hon. Kenneth M. Karas, U.S.D.J.
UNITED STATES DISTRICT COURT
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Sandra Mundy, et al. vs. DCM Services, LLC
S.D.N.Y. Case No. 7:11-cv-05979-KMK

Dear Judge Karas,

I am co-counsel for the Plaintiff in the referenced action. I am writing regarding Plaintiff's Opposition to Defendant's Motion for Judgment on the Pleadings and/or Summary Judgment and Reimbursement of Legal Fees and Costs, which is currently due today and to request an extension of Plaintiff's filing deadline.

On August 22, 2012, Defendant filed its Notice of Motion and supporting documents [Docs. 18-21]. As agreed between the Parties, and So Ordered by Your Honor, the Plaintiff is to file her opposition by today, September 24, 2012. As I explained to your law clerk earlier today, due to the failure of my law office to properly calendar the due date of the opposition, I was not reminded of the due date until last week during Rosh Hashanah. Unfortunately, I was also occupied last week with drafting two appellate briefs which prevented me from researching and drafting Plaintiff's opposition. My co-counsel was also celebrating the holiday and, as our division of labor provides that I research, draft, and file papers, was not part of my law office's failure.

This is Plaintiff's first request for an extension of time in which to file her opposition. On Friday, September 21, 2012, and again today, I have attempted to contact Kenneth Elan, counsel for the Defendant. Due to an unfortunate family issue, Mr. Elan was unable to respond to me last Friday, but he did do so in response to my e-mail today. Mr. Elan has stated to inform Your Honor "that I do not object to a one-time 10 day extension."

Plaintiff further understands that Your Honor's individual rules require 5-days' notice of any request for an extension. However, in this instance, it would have been impossible as such notice would have to have been provided to Your Honor over the Jewish holiday when I was not working. When I spoke with your law clerk early this afternoon, I explained Plaintiff's situation and was instructed that, despite the 5-day rule set forth in Your Honor's Individual Rules, I should forward this extension request via facsimile today.

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As a result of the issues stated above, Plaintiff respectfully requests that Your Honor extend by 10-days the time for Plaintiff to file her opposition to Defendant's motion and, in conjunction therewith, extend the time for Defendant's reply from October 6, 2012 to October 16, 2012..

Respectfully submitted,



William F. Horn
via FedEx

cc: Kenneth A. Elan, Esq. via e-mail only to elanfirm@yahoo.com
Abraham Kleinman, Esq. via e-mail only

10 day extension
is granted.

SO ORDERED



~~KENNETH M. KARAS U.S.D.J.~~

9/24/12

Your Honor,

Please see the attached correspondence.

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